

FILED 1st JUDICIAL DISTRICT COURT
Rio Arriba County
10/14/2021 4:58 PM
KATHLEEN VIGIL CLERK OF THE COURT
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**STATE OF NEW MEXICO
COUNTY OF RIO ARRIBA
FIRST JUDICIAL DISTRICT**

ROBERT CHAVEZ,

Plaintiff,

vs.

No. D-117-CV-2021-00369

PILOT TRAVEL CENTERS, LLC
d/b/a FLYING J TRAVEL CENTER,

Case assigned to Ellenwood, Kathleen McGarry

Defendant.

COMPLAINT TO RECOVER DAMAGES FOR PERSONAL INJURIES

Plaintiff ROBERT CHAVEZ, by and through counsel, Hinkle Law Offices, LLC (Cloyd G. Hinkle and Warren F. Hire, II), for his cause of action against Defendant PILOT TRAVEL CENTERS, LLC d/b/a FLYING J. TRAVEL CENTER, states as follows:

1. At all times material herein, Plaintiff was a resident of Anton Chico, Guadalupe County, State of New Mexico.
2. At all times material herein, Defendant Pilot Travel Centers, LLC (hereinafter "Defendant") was a Texas corporation, operating a chain of truck stops/ fueling stations including the Flying J Travel Center in the Town of Moriarty, Torrance County, State of New Mexico.
3. Defendant maintains a statutory agent in the City of Espanola, Rio Arriba County, New Mexico, and venue in this Court is proper pursuant to Section 38-3-1(F) NMSA 1978.
4. The occurrence giving rise to this action occurred in the Town of Moriarty, Torrance County, State of New Mexico.
5. On or about January 17, 2020, at approximately 1:15 p.m., the Plaintiff was a customer at the Flying J. Travel Center located at 305 Abrahames Road, in the Town of Moriarty,

Torrance County, State of New Mexico. As Plaintiff exited the store with his hands full of his purchases, he walked across a handicap parking spot nearest the door, stepping into a puddle containing oily residue and water, causing him to slip and fall forward onto his right side. There were no signs placed in the area informing Plaintiff of the slippery puddle.

6. Defendant owed Plaintiff a duty to use reasonable care to keep the premises safe for the use by Plaintiff and other patrons of the business.

7. Defendant breached its duty by negligently failing to post any warning devices or signs to alert Plaintiff and other patrons of the business that a dangerous condition existed.

8. Defendant further breached its duty to by negligently failing to inspect the premises for dangerous conditions, such as a slippery puddle, in an area where patrons would walk and Defendant knew, or should have known, that a slippery puddle in the parking lot increased the risk that patrons, including Plaintiff, could slip and fall on Defendant's premises.

9. Defendant further breached its duty by negligently failing to warn Plaintiff of the aforementioned dangerous condition when it knew, or in the exercise of reasonable care, should have known that a dangerous condition existed.

10. As a direct and proximate result of the negligence of the Defendant, Plaintiff suffered serious injuries, requiring medical treatment, and incurred medical and nonmedical expenses that may continue into the future. Plaintiff has also experienced pain and suffering and interference with the ability to enjoy and participate in daily activities. Some of these damages may extend into the future.

11. Plaintiff is entitled to damages for all of his past and future losses.

WHEREFORE, Plaintiff ROBERT CHAVEZ respectfully requests judgment be entered in his favor and against the Defendant PILOT TRAVEL CENTERS, LLC d/b/a FLYING J.

TRAVEL CENTER for compensatory damages, costs, pre-judgment interest from the date of service of this Complaint, and such other and further relief as this Court deems appropriate.

Respectfully submitted,

HINKLE LAW OFFICES, LLC

Electronically signed

Cloyd G. Hinkle

Cloyd G. Hinkle

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